

MINUTES  
VIRGINIA OUTDOORS FOUNDATION  
QUARTELY MEETING OF THE BOARD OF TRUSTEES  
VIRGINIA DEPARTMENT OF FORESTRY  
CHARLOTTESVILLE  
SEPTEMBER 20, 2006 1:00 PM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Mr. J. William Abel Smith; Dr. M. Rupert Cutler; Mr. Frank M. Hartz; Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Deputy Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Faye Cooper, Easement Specialist; Ms. Laura Thurman, Easement Specialist; Ms. Jennifer Perkins, Easement Specialist; Doug Wetmore, Stewardship Specialist; and Bill Wasserman, Easement Specialist. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Ms. Nikki Rovner, Deputy Secretary of Natural Resources; Ms. Alison Teeter, Natural Resource Planner, Clarke County; Mr. George Freeman; Mr. Rex Linville, Piedmont Environmental Council; Elizabeth Tune, Deputy Director, Department of Historic Resources; John Carroll and Brad Williams, Department of Forestry; Phil Hocker, Virginia Conservation Credit Pool, LLC; and Mr. Todd Hochrein, Virginia Conservation Credit Exchange, LLC.

Ms. Imhoff convened the meeting at 1:00 p.m. She reported that she had recently been made aware how different the VOF Board is from other land trust boards around the country. The VOF Board is a supervisory rather than an advisory board which gives greater responsibility and accountability. She hoped to have time on Thursday to update the Board on the progress of the Land Trust Accreditation Commission. She also explained that this agenda is different from the Consent/Non-consent agendas of the past. The change is partly due to the need to clearly articulate the public values being protected on each easement. She asked that Board members and staff think about changes to the staff reports that may advance meeting those requirements. She announced that Sarah Richardson, DCR Land Conservation Officer, would be joining the meeting later with an update on the development of criteria for reviewing easements valued over \$1,000,000 as required by recently passed legislation. Ms. Imhoff asked that the Board set aside some time during the lunch break on Thursday for a short presentation by Rex Linville of the Piedmont Environmental Council (PEC) on the changes in the Virginia Land Conservation Tax Credits and the Federal tax legislation. Ms. Imhoff asked if there were any changes to the order of business other than taking easements out of order to accommodate landowners and visitors. She also asked that she be able to reorder the policy discussions as interested partners arrived adding a Resolution on the 500 kilovolt transmission line, a Resolution adopting a revised forestry clause for the easement template, and a Resolution transferring the New River Land Conservation Fund to the New River Land Trust. She announced the need for a closed session to discuss legal and personnel matters. Ms. Estie Thomas pointed out that agenda items 10 and 14 were reconsiderations that were misplaced in the agenda.

Bob Lee presented his Executive Director's Report to the Board. He started by saying that one of the things he was struck by when he first came to VOF was that the Executive Director received the Board books at the same time as the Trustees. As a county administrator for thirty years, he had always reviewed agenda items before they were presented to the Board of Supervisors. He complimented staff on working with him with the new review process. He had asked the staff to send easements to him for review as soon as they were ready. He pointed out that senior staff reviewed the all agenda items as usual. He said that staff will continue with the pre-review process before the creation of the Board books. He told the Board members that he would keep them informed as staff continues to work on the items for the November Board meeting. He predicted that the agenda will be even larger than this meeting due to the upcoming changes in the Virginia Land Conservation Tax Credit and Federal code. Ms. Imhoff asked that the Board discuss how best to handle the end of year demand on Thursday.

Ms. Imhoff asked if there were any public comments and introductions. There were no public comments. Mr. Hartz moved that order of business be approved, the motion passed unanimously. Dr. Cutler moved the minutes of the June 20<sup>th</sup> and 21<sup>st</sup>, 2006 Board meeting be approved as submitted, Mr. Abel Smith seconded. Mr. Walker had a change in the recorded vote for the County of Franklin PTF funds on page 16. Mr. Walker had voted for the motion and Mr. Seilheimer voted against. Mr. Hartz moved to approve the minutes as amended and the motion passed unanimously.

Ms. Imhoff then called on Mr. John Carroll, Deputy Director of the Virginia Department of Forestry, for an update on forestry stewardship. Mr. Carroll introduced Brad Williams, the new Assistant State Forester for Administration. Mr. Carroll reported briefly on the Governor's Natural Resources Leadership Summit. He spoke about coordination and cooperation between VOF and DOF. He spoke about DOF's Forest Stewardship Program and passed out the application for the program. He pointed out that DOF would develop stewardship plans for forests of 200 acres or less but recommend a forestry consultant for forests larger than 200 acres. After a brief discussion on how to achieve best management practices in forest stewardship, it was decided that DOF and VOF staff would work on updating the Memorandum of Understanding between the two agencies.

Ms. Imhoff then called for the consideration of the revised forest language and asked Dr. Cutler for comments. Dr. Cutler briefly reviewed the history of the forestry language and how the revised language places more emphasis on stewardship and less on forest harvesting. Dr. Cutler moved to approve the Resolution with three minor changes: 1) that the VOF language match DOF language by referring to the plan as the Forest Stewardship *Management Plan*, 2) that "forest management activities or" be removed from the last sentence in the first paragraph so that only timber harvesting requires 30 days notice, and 3) the second paragraph be indented to make it clear that it is a part of the forestry language. For the record, the Forest Stewardship Management Plan may be reviewed by the Virginia Department of Forestry or other qualified forester but must be approved by the Virginia Outdoors Foundation. Mr. Walker seconded the motion as amended and the Resolution was approved unanimously. (See attachment #1.)

Ms. Imhoff then asked the Board to consider the Resolution expressing the intent to protect the conservation values and purposes of open-space easements. She called on Bob Lee for a brief

history of the 500 kilovolt power line. Mr. Lee reported that representatives of VOF had met with representatives of Dominion Virginia Power to express the grave concerns over the proposed path of the power line. He commended the Piedmont Environmental Council for bringing attention to this possible destruction of the scenic rivers and byways, Civil War battlefields, historic districts, National Trust properties, and Natural Heritage designated areas in this portion of Virginia. The Resolution asks the Governor, the Secretary of Natural Resources, and the Attorney General to join VOF in protecting these cultural and heritage land resources. Ms. Imhoff called for comments or questions. Mr. Seilheimer moved to approve the Resolution as presented, Dr. Cutler seconded, and the motion passed unanimously with Mr. Hartz abstaining. (See attachment #2.)

Ms. Imhoff asked for the consideration of the Resolution for the approval of spending for the Stewardship Defense Fund. Ms. Little gave a brief history of the need for the fund to defend easements in court. Even though the Attorney General's office will represent VOF, VOF will need to be able to reimburse the Attorney General's office for the time. Mr. Allen moved to approve the Resolution, Dr. Cutler seconded, and the motion passed unanimously. (See attachment #3.)

Ms. Imhoff asked for consideration of the expenditure of funds for the maintenance of the cabins on the Bull Run Mountain property. Leslie Grayson presented the recommendation for the repairs totaling \$8,000. Mr. Walker moved to approve the expenditures as presented, Mr. Seilheimer seconded, and the motion passed unanimously. (See attachment #4.)

Ms. Imhoff called for a five minute break and the consideration of the Bremono property (#31) upon return.

Sherry Buttrick presented The Bremono Trust property "Upper Bremono" (#31) of 1,563 acres in Fluvanna County. Ms. Buttrick distributed a revised easement which differed from the easement submitted to the Board with the addition of five (5) secondary dwellings and up to six (6) "servants quarters". Ms. Imhoff asked if the Department of Historic Resources (DHR) had seen and accepted the proposed changes. Ms. Elizabeth Tune, Deputy Director of DHR, responded that they were aware of the changes and, considering the scope and size of the property, DHR could support the additional dwellings in the easement. Mr. George Freeman spoke in his capacity as the non-family trustee of Bremono giving a little history of the property and outlining the concerns for its future protection. After discussion Mr. Seilheimer moved to approve the easement with a 1,500 square feet limit on the "servants quarters". The board agreed with staff that such dwellings should not be referred to specifically as servants quarters but rather under the general description of "secondary dwellings, Mr. Abel Smith seconded, and the easement was approved by a vote of six in favor and Ms. Imhoff voting against due to the lateness of the additions and total number of dwellings.

Faye Cooper presented the Sipe property (#24) of 68 acres in Clarke County. She explained that the property is the first co-held purchased easement with Clarke County and introduced Alison Teeter, Natural Resource Planner for Clarke County. Clarke County requests 50% match (\$228,150) from VOF PTF funds to be matched by 25% from the County and a 25% donation from the owners. The owners are also requesting \$5,000 PTF funds for costs. Ms. Cooper

reported that there is financial need for the owners and distributed a PTF ranking sheet. Mr. Seilheimer reported that the PTF Committee had discussed this property and supported both the match and cost requests. Mr. Seilheimer moved to approve both PTF requests. Mr. Hartz asked about the definition of the riparian buffer. Ms. Cooper said that they had used the road as the boundary of the riparian buffer for ease. Mr. Hartz asked that the area covered be better defined in case the road or river moves. Ms. Cooper said that they could define the riparian buffer by footage. Mr. Walker seconded the motion that the easement be approved with the amended riparian buffer language. Dr. Cutler asked if the County was comfortable with the requirement that the county approve the forest stewardship plan for the property. Ms. Teeter responded that they would normally work with the Department of Forestry to review the plan. Ms. Cooper added that there was an edit in the Trash clause by deleting the last two sentences in the paragraph. Mr. Fisher pointed out the “Deed of Gift” needed to be changed to “Deed of Purchase” and that the consideration clause would be edited to record the purchase price. Mr. Seilheimer and Mr. Walker agreed to the amendments. Ms. Imhoff called for the vote and the easement was approved as amended with Mr. Allen voting against over concerns that VOF has not investigated the appraisal amount.

Mr. Phil Hocker asked the Board if VOF could have all parties to an easement sign the Baseline Documentation Report. Ms. Imhoff and the Board agreed that should be standard operating procedure for easements with multiple easement holders (Grantees).

Sherry Buttrick presented the Allard property (#1) of 33.727 acres in Orange County. She recommended approval with a limit of 200 feet from the main house for the secondary dwelling. Ms Imhoff said that she could not support a secondary dwelling on this property. After discussion, Mr. Seilheimer moved to approve the easement with a limit of 200 feet from the main dwelling for the secondary, Mr. Abel Smith seconded, and the motion failed with no majority and was tabled while waiting Dr. Cutler’s vote.

Estie Thomas presented the Harlow property (#8) of 37.837 acres in Louisa County. She explained that the owners request the Harlow family cemetery be allowed and the storage of up to eight (8) antique cars on the property. Mr. Walker asked if the landowner would like to clarify that the actual restoration of the automobiles be allowed as well. Mr. Harlow said that at the present the cars are only stored on the property but would like to be able to restore on the property as well. Mr. Walker moved that the easement be approved with the amended language allowing the storage and restoration of antique cars on the property, Mr. Abel Smith seconded, and the motion was passed unanimously.

Ms. Imhoff asked Dr. Cutler for his vote on the Allard easement. The motion failed with Mr. Abel Smith, Mr. Walker, and Mr. Seilheimer voting for and Ms. Imhoff, Mr. Allen, Mr. Hartz, and Dr. Cutler voting against. Mr. Allen moved to defer the easement until Thursday to allow Ms. Buttrick to talk to the landowners. The motion passed unanimously.

Estie Thomas presented the Bance property (#2) of 15 acres in Essex County. She explained that the easement adds on to property already under easement and that no dwellings are permitted, agricultural buildings only. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented the Bauserman Farm LLC property (#3) of 45.455 acres in Shenandoah County. She explained that the property has been in the family for over 100 years and is a Century Farm. The landowners would like the possibility of converting a “wash house” to a guest quarters. Mr. Hartz moved to approve the easement with amended language clarifying the “wash house” cannot be enlarged, Mr. Allen seconded, and the motion passed unanimously.

Sherry Buttrick presented the Clark property (#4) of 45.6 acres in Orange County. Mr. Allen asked if size restrictions had been discussed with the landowner. Ms. Buttrick said that they had used setbacks instead. Ms. Imhoff asked if the setbacks would minimize visual impact to the viewing public. Ms. Buttrick said that she had discussed size limitations with the landowners attorney and the landowners declined to agree to the limitations. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Sherry Buttrick presented the Clark property (#5) of 48 acres in Orange County. The property links property already under easement. She explained that if the property is sold, the farm building reverts to 2,500 square feet. Mr. Hartz moved for approval as presented, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas presented the Woodruff property (#14) of 10.1 acres in Albemarle County for reconsideration. The Board had previously approved this easement with a 50 foot setback but due to an error in measurement a setback is not practical on this property. Mr. Woodruff explained that there is a 50 foot strip between his property and the road existing. Mr. Seilheimer moved for approval of the revised easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Leslie Grayson presented the Crummey, LLC property (#6) of 32.23 acres in Fauquier County. The easement allows no dwellings, farm buildings only, and a 35 foot riparian buffer on Rocky Creek. Mr. Walker moved to approve as presented, Mr. Hartz seconded, and the motion passed unanimously.

Faye Cooper presented the Edwards property (#7) of 40 acres in Rockingham County. She explained that the easement allowed no divisions, one existing single family dwelling which cannot be enlarged exceeding 4,000 square feet, and farm building review. Dr. Cutler moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Laura Thurman presented the Holland property (#9) of 44.95 acres in Rockbridge County. The property is adjacent to other property under easement and contains a significant no build zone. There is siting review to minimize impact to the viewing public. Mr. Walker moved for approval, Mr. Seilheimer seconded, and the motion passed unanimously.

Estie Thomas presented the Joslin property (#10) of 8.52 acres in Albemarle County for reconsideration. The easement allows for no division, one single family dwelling, and the owners are requesting one secondary dwelling. She recommended approval of the easement



without the secondary. Mr. Abel Smith moved to approve the easement without the requested secondary, Mr. Hartz seconded, and the motion passed unanimously.

Tamara Vance presented the New River Wildlife and Conservation Club property (#11) of 32.21 acres in Grayson County. The easement allows no division, no dwellings, existing clubhouse, unpaved foot trails, and archery range. Dr. Cutler moved to approve as presented, Mr. Hartz seconded, and the motion passed unanimously. Ms. Imhoff pointed out that the easement also protects habitat for rare aquatic species.

Estie Thomas presented the Talent property (#13) of 18 acres in Northumberland County. The property also contains a salt pond with 50 foot riparian buffer that drains into the Chesapeake Bay. The owners have reduced the size of the single family dwelling from 7,000 square feet to 5,000 square feet. Mr. Walker moved to approve the easement as amended, Mr. Hartz seconded, and the motion passed unanimously.

Sherry Buttrick presented the Ramazani property (#12) of 18.72 acres in Albemarle County. The proposed easement is adjacent to another property under easement, allows no division, has one existing single family dwelling, one office/studio which may be used as temporary guest cottage, and an existing water tower that serves the Peacock Hill subdivision. Ms. Buttrick recommended approval of the easement with the enlargement of the existing dwelling be limited to 3,500 square feet and, if that was not acceptable to the landowner, there be no secondary allowed. Mr. Able Smith moved to approve the easement as recommended by staff, Mr. Hartz seconded, and the motion passed unanimously.

Sherry Buttrick presented the Sanford/Courtenay property (#34) of 514.17 acres in Madison County. Ms. Buttrick explained that this is an amendment to an existing easement which will be increased by 146 acres. The original easement will not be altered in any way. The additional acreage will have two parcels (one will be 100 acres), two main dwellings (one exists), and two secondary dwellings to be clustered with a main house or farm building. The landowner has agreed to add a 50 foot riparian buffer to the stream. Mr. Abel Smith moved to approve the amendment as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Sherry Buttrick presented amendment for the Scott property (#35) of 194.8 additional acres in Nelson County. The original easement was approved as 599 acres in 2005. The property has been divided into two parcels to satisfy a lien on part of the property. The terms of the easement stay the same as previously approved by the Board. Mr. Seilheimer moved to approve the amendment as presented, Mr. Allen seconded, and the motion passed unanimously.

Estie Thomas presented the Shelton/Harris property (#23) of a minimum of 81 acres in Spotsylvania County on Lake Anna. She reported that the property has numerous natural and cultural resources, for example, an African-American slave cemetery, was the site of a Federal encampment during Stoneman's Raid in 1863, and is surrounded by Lake Anna. Mary Radloff reported on a partition suite currently being decided. The easement will be at least 81 acres in the worst case scenario and 115 acres in the best case. The landowners understand that if the easement ends up only covering 81 acres the secondary dwelling will be reduced to a cottage. After a brief discussion, Ms. Thomas presented two options for the easement. If the easement

covers 115 acres, it will be as presented, one division into two parcels, one of which will be no larger than 10 acres, one existing single family historic dwelling, and one additional single family dwelling not to exceed 4,000 square feet. If the easement covers 81 acres, there will be no division, the existing dwelling, and a secondary of no larger than 2,000 square feet. Mr. Hartz moved to approve the conditions outlined by staff, Dr. Cutler seconded, the motion passed unanimously.

Ms. Imhoff recognized Deputy Secretary of Natural Resources, Nikki Rovner, to address policy issues involving the Virginia Outdoors Foundation. Ms. Rovner briefed the Board on the progress the Department of Conservation and Recreation has made on developing the criteria for approval of easements valued at \$1,000,000 or more. She reported that a subcommittee had been formed of the Virginia Land Conservation Foundation Board to study how to meld Virginia code requirements and Federal regulations. The General Assembly set a deadline for the criteria of December 1, 2006. She said that the criteria will be published for public comment by the middle of October for a 30 day period. Ms. Rovner reported that the Secretary's office will begin the process of looking at the recommendations that came out of the Governor's Natural Resources Summit.

Faye Cooper presented the Francisco property (#15) of 102 acres in Augusta County. She reported that this is a standard easement with the exception of the provisions for an indoor riding ring (within defined building envelope) and a slightly larger sign. The daughter in the family will inherit the farm and hopes to have an equine business on the property. Mr. Hartz moved for approval of the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Tamara Vance presented the Hodges property (#16) of 325.46 acres in Franklin County. She pointed out that the owner had included restrictions on the existing sawmill to protect the scenic views of the driving public. Mr. Walker moved to approve as presented, Mr. Allen seconded, and the motion passed unanimously.

Faye Cooper presented the request for full funding for costs of the Jones proposal (#17) of 68 acres in Botetourt County. She explained that the Board had already approved the easement, but Mr. Jones is now requesting full funding for costs through the PTF program.

Laura Thurman presented the Miller property (#18) of 130 acres in Rockbridge County. The easement provides for no division, one primary dwelling not larger than 4,500 square feet, one secondary dwelling not larger than 2,000 square feet, and 4,500 square feet farm building review. VOF has design and site approval on all buildings to minimize visual impact for the driving public. Water quality is protected by a 50 foot no-plow buffer on a tributary of Moffett Creek. She concluded by saying that the sentence pertaining to the removal of trash deposited by a flood will be deleted as there is very little chance of flooding on the property. Mr. Seilheimer moved to approve the easement with the amended Trash provision, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

Estie Thomas presented the Ourand property "Bexley Farm" (#19) of 77.8 acres in Stafford County. She reported that Stafford County fully supported this easement as they are trying to

preserve agricultural land. Mr. Seilheimer moved to approve as presented, Mr. Hartz seconded, and the motion passed unanimously.

Laura Thurman presented the Potter property (#20) of 230 acres in Rockbridge County. She explained that the large agricultural building requested is necessary to protect the water quality in the area. It will house livestock and help control non-point source pollution, erosion, and waste. Mr. Abel Smith moved to approve as presented, Mr. Hartz seconded, and the motion passed unanimously.

Laura Thurman presented the Potter property (#21) of 384.42 acres in Rockbridge County. The easement provides protection for a cave on the property with a no-build zone of 200 feet and riparian buffers on two streams. The easement also provides VOF approval of the site and design of the MAST-type cell tower. Mr. Hartz moved for approval as presented, Mr. Allen seconded, and the motion passed unanimously.

Laura Thurman presented the Seibel property (#22) of 557.98 acres in Botetourt County. The landowner practices BMP as designated by the Soil and Water District, has 100 acres in the CREP program, and the property was named Conservation Farm of the Year in 2004. The language for the four five acre or smaller parcels will be changed to the minimum size allowed by the county guidelines. Mr. Seilheimer moved to approve with the amended parcel language, Dr. Cutler seconded, and the motion passed unanimously.

Laura Thurman presented the Smith property (#25) of 119 acres in Rockbridge County. She explained that there is no division on the property and that two houses exist on the property. The easement provides for site review if either is enlarged to 5,000 square feet. Two billboards exist on the property and are under a lease which will expire in 2030. Ms. Imhoff expressed concern over using public funds to support this easement with billboards present. After discussion, Dr. Cutler moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed with Mr. Allen and Ms. Imhoff voting against due to the billboards.

Laura Thurman presented the Smith property (#26) of 219 acres in Rockbridge County. The easement provides VOF site review for any dwelling that exceeds 5,000 square feet on this Century Farm that fronts on Highway 11. Mr. Walker moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

The following PTF funds for costs were approved as a block.

Agenda Item	Landowner	Acres	PTF Amount
15	Fransisco	102.0	\$5,200
16	Hodges	325.5	\$9,000
17	Jones	28.0	\$4,300
18	Miller	130.0	\$4,350
19	Ourand	77.8	\$3,000
20	Potter, Charles A., III	230.0	\$4,100
21	Potter, Joan G. and Charles A., Jr.	384.4	\$6,550
22	Seibel	558.0	\$6,050



23	Shelton/Harris	135.0	\$2,500
24	Sipe	68.0	\$5,000
26	Smith	218.0	\$5,345

Dr. Cutler moved to approve the PTF expenditures, Mr. Seilheimer seconded, and the motion passed unanimously.

Ms. Imhoff called for a motion on the following:

Agenda Item	Landowner	Acres	PTF Amount
25	Smith	119	\$4,225

Dr. Cutler moved to approve, Mr. Seilheimer seconded, and the motion passed with Mr. Allen and Ms. Imhoff voting against due to the billboards on the property.

The approval of \$228,150 for the 50% match purchase of the Sipe property in Clarke County (#24) was approved earlier in the day. (See page 4.)

Leslie Grayson presented the Brooks/Lee property (#27) of 93.73 acres in Fauquier County for reconsideration. This easement was approved by the Board in June with two existing houses on the property with the ability to enlarge each to 3,000 square feet. The landowner has had second thoughts and would like to be able to enlarge the Sears Roebuck House to a maximum of 4,000 square feet rather than 3,000. Staff pointed out that the easement contained a significant building setback from the Va. Byway (Zulla Road) and that any addition would likely be added to the back of the house. Mr. Seilheimer moved to approve the change as presented, Dr. Cutler seconded, and the motion passed unanimously.

Sherry Buttrick presented the Rhodes property (#28) of 143.96 acres in Greene County for reconsideration. The easement had been approved with no sub-division and the landowner, due to family considerations, asks for one division into two parcels, one of which will be for 14 acres at the west end of the property. If not used by the Grantor, his wife, or his sister, it will be extinguished. In addition, the landowner has dropped the provision for a pool house. Ms. Buttrick added that the Riparian Buffer paragraph will be amended by removing the “no use of recreational motorized vehicles” language. Mr. Hartz moved to approve the reconsideration as amended, Dr. Cutler seconded, and the motion passed unanimously.

Laura Thurman presented the Showalter property (#29) of 168 acres in Rockbridge County. This easement had been approved in April with another farm owned by the Showalters. The other property’s easement had been approved with a provision for a poultry house. The Showalters are requesting the right to have a 40,000 square foot poultry house on this property as well. The landowners have offered VOF review of the site and color of building and to screen the poultry house with evergreen trees to limit the impact on the viewing public. Ms. Thurman recommended screening at the road as well as at the poultry house. Mr. Seilheimer moved to approve the reconsideration as amended, Dr. Cutler seconded, and the motion passed with Mr. Allen voting against due to the stewardship monitoring of the screening.

Tamara Vance presented for Ruth Babylon the Wood/Osteen property (#30) of 100 acres in Giles County. The property will be used as an artist educational retreat and the owners would like to give up all farm buildings for structures intended to serve the educational/recreational retreat, substitute a non-permanent seasonal accommodation for guest for the 3,000 square foot single family dwelling initially approved, and site and size restrictions including: no building or structure may exceed 1,800 square feet without VOF approval, the aggregate square footage for all buildings may not exceed 6,000 square feet, no building will be visible from the Appalachian Trail, no-build zone above 3,500 foot elevation, earth tone colors will be used, no clearing of trees exceeding one acre for any permitted structure, and no commercial timbering will be allowed on the property. Mr. Allen moved to approve the reconsideration, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented the Wolf Run LLC property (#32) of 346.64 acres in Rockingham County. The property is visible from the Skyline Drive and the Appalachian Trail. It contains a large waterfall known as Cedar Falls. The easement provides for a 200 foot riparian buffer from each bank of the stream corridor that feeds the falls. Ms. Imhoff moved for approval, Mr. Seilheimer seconded, and the motion passed unanimously.

Faye Cooper presented the Birds Run Farm, LLC property (#33) of 523.85 acres in Highland County. This proposal represents a replacement of a previous easement of 198.58 acres. The family has joined all of its property together under an LLC and would like to cover the joint holding with a stronger easement. Mr. Hartz moved to approve the amended easement, Mr. Abel Smith seconded, and the motion passed unanimously.

Ms. Imhoff asked Bob Lee to give a briefing on how the organization will handle work load through the end of the year. Mr. Lee predicted considerable demand due to the finalization of the Virginia Conservation Tax Credit and changes in the Federal code. In the past, VOF has worked on a first come, first served basis. Most VOF offices are at capacity and have had to create waiting lists for folks coming in the door. After discussion, the consensus was to keep serving first come, first served, and try to find a way to accommodate large properties. Ms. Imhoff asked Fred Fisher to research whether the Board can assign authority to approve easements administratively to the Executive Director.

Ms. Imhoff then asked Mr. Lee to give a brief update on the budget process. Mr. Lee reported that the Secretary of Natural Resource's office had requested VOF's budget request no later than September 29<sup>th</sup>.

Ms. Imhoff announced that the Code of Ethics and Easement Template discussion items would be considered after easements on Thursday. She called for consideration of the transfer of the New River Trail Conservation Fund to the New River Land Trust. Mr. Lee explained that VOF had been serving as banker for the New River Trail Conservation Fund and the Auditor of Public Accounts recommended VOF turn the fund over to limit liability to VOF. Dr. Cutler moved to approve the transfer, Mr. Walker seconded, and the motion passed unanimously.

Ms. Imhoff adjourned the meeting at 5:20 p.m. to be reconvened at 9:00 a.m. the following morning.

MINUTES  
VIRGINIA OUTDOORS FOUNDATION  
QUARTERLY MEETING OF THE BOARD OF TRUSTEES  
VIRGINIA DEPARTMENT OF FORESTRY  
CHARLOTTESVILLE  
SEPTEMBER 21, 2006 9:00 AM

Trustees present: Chairman, Ms. Kat Imhoff, presiding; Mr. Mark S. Allen; Dr. M. Rupert Cutler, Mr. Charles H. Seilheimer, Jr.; and Mr. Jeffrey K. Walker. VOF staff attending: G. Robert Lee, Executive Director; Ms. Tamara Vance, Deputy Director; Ms. Leslie Grayson, Deputy Director; Ms. Martha Little, Director of Stewardship; Ms. Trisha Cleary, Executive Assistant; Ms. Anna Chisholm, Finance Manager; Ms. Sherry Buttrick, Easement Manager; Ms. Estie Thomas, Easement Specialist; Mr. Bruce Stewart, Easement Specialist; Ms. Faye Cooper, Easement Manager; Ms. Laura Thurman, Easement Specialist; Mr. Neal Kilgore, Easement Specialist; and Bill Wasserman, Stewardship/Easements. Also in attendance were Mr. Frederick S. Fisher, Special Assistant Attorney General; Mr. Tom Smith, Director, Natural Heritage Division of DCR; Ms. Sarah Richardson, DCR Land Conservation Officer; Mr. Rex Linville, Piedmont Environmental Council; Charlie Westbrook, BlueLine Conservation Incentives; Phil Hocker, Conservation Service Co., LLC; Mike Strugar, Tax Credit Exchange, LLC; and Todd Hochrein, Virginia Conservation Credit Exchange.

Ms. Imhoff called the meeting to order at 9:00 a.m. She asked if there was any public comment. Mr. Rex Linville, Piedmont Environment Council (PEC), briefed the Board on the proposed 500 kilovolt power line and PEC's educational efforts in the region. He added that PEC, as an organization, would compile and submit its written comments of the proposed revised easement template.

Ms. Imhoff called for consideration of the remaining easement proposals. Jennifer Perkins presented the Aldrich property (#36) of 204.25 acres in Rappahannock County. The easement provides a 500 foot riparian buffer on the Rappahannock River, 50 foot buffer on Shootz Hollow, and 35 foot buffers on all other streams and ponds. It will also protect the view shed of Skyline Drive, Appalachian Trail, and Shenandoah National Park. Mr. Walker moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Leslie Grayson presented the Antioch, LLC property of 268 acres in Prince William County. She explained that this property is anticipated to be used as a Public Access Natural Area and the easement provides special features and restrictions appropriate for that use. The easement also provides conditions more appropriate for farm use if the property is ever sold into private ownership and can not be used as a Public Access Natural Area. Dr. Cutler moved to approve as presented, Mr. Allen seconded, and the motion passed unanimously.

Estie Thomas presented the Bance property (#38) of 65.3 acres in Essex County. The easement provides for no division, one primary dwelling, no secondary dwelling, and will protect the

scenic beauty of the Rappahannock River. Mr. Allen moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Leslie Grayson presented the Barrymore, LLC property (#39) of 355.4 acres in Fauquier County. The property is adjacent to existing easements and was awarded the 2004 conservation award by the John Marshall Soil and Water District. The easement will protect this productive working farm as well as a two and a half story stone barn built in 1890, provide a 500 foot set back from Scenic Byway SR 691, and 35 foot riparian buffers on streams and ponds on the property. Mr. Abel Smith moved to approve as presented, Dr. Cutler seconded, and the motion passed unanimously.

Leslie Grayson presented the Bonnie property (#40) of 123.5 acres in Fauquier County. She explained the easement contains a very restrictive forestry clause, a 250 foot set back from SR 712, with no division for this property located on the edge of the Upperville Historic District. Ms. Grayson added that the forestry clause would be amended to delete the words “there can be no more than 25% of the basal area removed in any 10 year period” due to the difficulties in monitoring that activity. Mr. Abel Smith moved to approve the easement as amended, Mr. Seilheimer seconded, and the motion passed unanimously.

Jennifer Perkins presented Bouquet property (#41) of 171.2 acres in Culpeper County. She reported that the property has beautiful views to and from Old Rag Mountain and lies in the view shed of Skyline Drive, Appalachian Trail, and Shenandoah National Park. The easement will protect Mountain Run Creek with a 50 foot riparian buffer. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Sherry Buttrick presented the Bowman property (#42) of 201.45 acres in Orange County. The easement will protect approximately one mile of the Rapidan River with 50 foot no plow buffers. Two creeks on the property are also protected with 50 foot no plow buffers. The landowners have been working with the Department of Forestry on a forest management plan as the forestry clause of the easement reflects. Dr. Cutler moved to approve the easement with the addition of approval of the forestry plan by DOF *or grantee*, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

Tamara Vance presented the Branson property (#43) of 51.2 acres in Bedford County. The property is a small family farm in an area under intense development pressure. The easement allows no division, an existing single family dwelling, and an existing secondary that may not exceed 2,000 square feet. Mr. Seilheimer moved for approval as presented, Mr. Walker seconded, and the motion passed unanimously.

Sherry Buttrick presented the Brasco Bay Corporation property (#44) of 220.66 acres in Amherst County. The property is adjacent to the George Washington National Forest and an existing VOF easement. The easement provides no division, a defined building area below ridges and steep slopes, and a 35 foot riparian buffer on Indian Creek. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Sherry Buttrick presented the Braswell property (#45) of 133.75 acres in Madison County. The easement provides 50 foot riparian buffers on Quaker Run and the Robinson River and allows one division with one parcel to be no larger than 8 acres. The easement also allows for a total of five dwellings. Staff recommended approval with no replacement of “Burley Woodward’s House” or one fewer secondary dwellings. Ms. Imhoff said she could support the easement with one less secondary dwellings. After discussion, Mr. Seilheimer moved to approve the easement with one new single family dwelling, two existing secondary dwellings, and one new secondary on one parcel or the other, Dr. Cutler seconded, and the easement was approved as amended.

Tamara Vance presented the Budde/Evans property (#46) of 144 acres in Montgomery County. The property is located along the crest of Paris Mountain and adjacent to other easements. The landowners have changed the no-build zone from the proposed contour limits to a set back of 150 feet from the north-west boundary of the property to better protect the scenic values. Dr. Cutler moved to approve the easement as amended, Mr. Allen seconded, and the motion passed unanimously.

Laura Thurman presented the Burks property (#47) of 86.04 acres in Rockbridge County. The easement provides a 100 foot no-plow zone on an unnamed stream, a provision that no dwelling shall be visible from Highway 11, and allows one primary dwelling not to exceed 4,500 square feet, one secondary not to exceed 1,800 square feet, and a 4,500 square foot farm building with VOF written approval only. Mr. Seilheimer moved for approval as presented and Mr. Abel Smith seconded. Dr. Cutler pointed out that on page six of the easement the riparian buffer was described as “fifty (100)”. The motion passed unanimously with the correction to the buffer language.

Laura Thurman presented the Burks property (#48) of 185.6 acres in Rockbridge County. Ms. Thurman reported that the landowner has changed the sized allowed if the existing dwelling is renovated to 7,000 square feet. She also said that none of the structures can be seen from the public roads. The landowner is also requesting one additional secondary, not to exceed 2,000 square feet, and an indoor riding ring of 45,000 square feet in a designated building envelope. After discussion, Dr. Cutler moved to defer approval of the easement until staff talked with the landowner offering the Board’s suggestion of approval with a 35 foot riparian buffer and a 35,000 square foot indoor riding ring. Mr. Walker seconded and the motion to defer passed unanimously.

Sherry Buttrick presented the Byrum property (#49) of 279.5 acres in Orange County. The property contains tributaries to the North Anna River which is home to a globally rare species, the Green Floater. The easement provides a 50 foot forested riparian buffer on White Oak Creek. Mr. Seilheimer moved for approval, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas presented the Conway property (#50) of 60 acres in Spotsylvania County. She explained that the easement provides a 100 foot forested buffer on Lake Anna with a 200 foot no timbering area overlapping (over 3 miles of shoreline). Lake Anna is a major tributary of the York River which empties into the Chesapeake Bay. There is no division allowed on the



property. Mr. Seilheimer moved for approval as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Tamara Vance presented the Cox property (#51) of 448 acres in Grayson County for Ruth Babylon. The property is a designated “Virginia Century Farm” containing several historic structures and has been in the same family since the mid-1870s. The landowners have fenced the cattle out of the woodlands and provided water containers for the cattle to keep them out of the small streams and creeks. Mr. Seilheimer moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Bruce Stewart presented the Day property (#52) of 95.37 acres in Southampton County. The easement provides for no division, 600 foot building set back from the public roads, a 35 foot riparian buffer on the unnamed stream, and VOF site approval for primary single family dwelling. Mr. Walker moved to approve the easement as presented, Dr. Cutler seconded, and the motion passed unanimously.

Bruce Stewart presented the second Day property (#53) of 159.79 acres in Southampton County. The easement provides 35 foot riparian buffers on Joyner Branch and an unnamed creek and a 35 foot riparian buffer on Buckhorn Swamp. There is a 600 foot building set back on SR 609 to protect the scenic view of the driving public. Bob Lee asked Bruce to explain the eminent domain language in both Day easements. Mr. Stewart said that he had called the landowners attorney to see if he would be willing to remove the eminent domain language as it would not apply to the state but may apply to the Federal code. Ms. Imhoff stated that the Board needed to back up because they had just accepted an easement with the eminent domain language and both Day easements needed to be consistent with each other. Ms. Imhoff asked Mr. Stewart if he thought the language should be deleted. Mr. Stewart said he didn’t think it mattered either way. Ms. Imhoff asked Fred Fisher, Special Assistant Attorney General, for his guidance regarding the eminent domain language. He said he would agree with Mr. Stewart that since it does not apply to the state, it could stay in or be deleted. Ms. Little pointed out that both easements also contained language providing for a “30 day cure period” in the Enforcement provision and thought that the language would prevent VOF from stopping unauthorized activities should the need arise. Ms. Imhoff asked if the Board wanted to rescind the vote on item #52 to consider the expressed concerns. Dr. Cutler moved to rescind the vote on agenda item #52, Mr. Seilheimer seconded, and the motion passed unanimously. Ms. Imhoff called for a five minute break to allow Mr. Stewart time to contact the Day’s attorney.

Ms. Imhoff called the meeting to order and asked Laura Thurman to report on the changes requested for the Burks property (#48), Montafon Farm. Ms. Thurman reported that the landowners have agreed to a 35,000 square feet indoor riding arena and a 35 foot no plow riparian buffer. Mr. Seilheimer moved to approve the 35,000 square feet for the indoor riding arena and the 35 foot no plow riparian buffer on the stream. Dr. Cutler seconded and the easement was approved unanimously as amended.

Mr. Imhoff called for a closed session at 10:15 a.m. to discuss legal and personnel matters as provided for in the Code of Virginia §2.2-3711 A. 1. and 7. Mr. Seilheimer so moved, Mr. Walker seconded, and the motion passed unanimously. A roll call vote certifying that only

exempted business was discussed during the closed session was taken at 12:15 p.m. Ms. Imhoff voted yes, Mr. Seilheimer voted yes, Mr. Abel Smith voted yes, Dr. Cutler voted yes, Mr. Walker voted yes, Mr. Allen voted yes, and Mr. Hartz was absent..

Bruce Stewart reported that the Day's attorney agreed to remove the Eminent Domain provision and to delete, "Failure by the Grantor to abate the violation and take such other corrective action as may be requested by the Grantee within thirty (30) days after receipt of such notice (the "cure period") shall entitle the Grantee to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this easement to enjoin the non-compliance by temporary or permanent injunction in a court of competent jurisdiction." from the Enforcement provision. Mr. Seilheimer moved for approval of both Day easements (#52 & #53) without the eminent domain provision and 30 day "cure period" language, Mr. Abel Smith seconded, and the easements were approved unanimously as amended.

Faye Cooper presented the Dunn property (#54) of 66.43 acres in Clarke County. The easement provides a 100 foot riparian buffer along the Shenandoah River, which is a major tributary to the Chesapeake Bay, to protect water quality and the view from the river. Mr. Allen moved to approve as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Leslie Grayson presented the Ernst Volgenau, LLC property (#56) of 503 acres in Fauquier County. The easement will protect the view for the driving public on SR 688 and SR647, both Virginia Scenic Byways, with 500 foot building set back. The property contains approximately two miles of frontage on Thumb Run which may contain one or more aquatic natural resources. The riparian buffers on Thumb Run and lake will contribute to water quality of the Rappahannock River, a state scenic river and public drinking water source. Ms. Imhoff asked that the 150% size limit of the existing boat house be changed to square feet. Mr. Seilheimer moved to approve the easement with the change to square feet for the boat house, Mr. Abel Smith seconded, and the easement was unanimously approved as amended.

Sherry Buttrick presented the Edgerton property (#55) of 66.73 acres in Albemarle County. The protection of this property would provide open space in a highly urbanized area. The easement provides for 35 foot riparian no-plow buffers on the property's pond and stream. There is a 400 foot building setback from SR 658 to protect the view of the driving public. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Sherry Buttrick presented the Fariss property (#57) of 236.9 acres in Campbell County. The easement protects local water quality with a 50 foot no-plow, no livestock riparian buffer on Falling River. The easement allows two parcels with only two single family dwellings. Dr. Cutler moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Tamara Vance presented the Gehrken/Hauser property (#58) of 247.08 acres in Henry County. The easement protects almost two and a half miles of frontage on the North Fork Mayo River with 50 foot forested riparian buffer. The easement also protects the views for the driving public

along Moores Mill Road. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Sherry Buttrick presented the Gupton property (#53) of 359.68 acres in Orange County. The property is adjacent to an existing VOF easement and the Madison-Barbour Rural Historic District. The easement provides for a 300 foot building set back from U.S. Route 15 and 35 foot riparian buffers on the pond and streams. After discussion, Ms. Imhoff requested that the easement require a no-build zone above the 900 foot contour line. Mr. Seilheimer moved to approve the easement with the additional no-build zone above 900 feet, Dr. Cutler seconded, and the easement was approved unanimously as amended.

Faye Cooper presented the Heclo Trust property (#60) of 86.5 acres in Clarke County. This property is the home an 1830 manor house, "Ashcroft". The easement will enhance water quality with a 100 foot forested riparian buffer along 2,200 feet of Wrights Run which flows in to the Shenandoah River and then the Chesapeake Bay. There are also two ponds on the property protected by 100 foot no plow riparian buffers. There will be no division on the property with the existing manor house and one secondary dwelling, not to exceed 1,800 square feet. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented the Hereford property (#61) of 221.74 acres in Augusta County. The easement allows one division providing one parcel is not larger than 10 acres and contains one single family dwelling no larger than 3,000 square feet. The easement provides for a 50 foot no earth disturbance riparian buffer on the streams which flow into the Calfpasture River and then into the James River. Ms. Cooper said that the forestry language would be amended to approval of the Grantee. Dr. Cutler moved to approve the easement with the amended forestry language, Mr. Allen seconded, and the easement was approved unanimously as amended.

Ms. Imhoff turned the meeting over to Mark Allen because she is good friends with Glen and Catherine Hirsh, who own the property to be considered.

Faye Cooper presented the Hirsh Trust property (#62) of 54.95 acres in Bath County. This property is adjacent to an existing VOF easement and the George Washington National Forest. The easement will protect the view from George Washington National Forest, a one third section of Warm Springs Run with a 50 foot riparian buffer, and the view of the driving public along SR39 and SR687. The easement will allow no division, one single family dwelling, and one existing secondary dwelling. Dr. Cutler moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously with Ms. Imhoff abstaining.

Laura Thurman presented the Irvine property (#63) of 101.5 acres in Rockbridge County. The property of contains a quarter of a mile of frontage on Buffalo Creek that will be protected by a 100 foot riparian buffer. She said that the forestry language will be changed to approval of the Grantee and, under Buildings and Structures, "or for processing the products produced on the Property or other agricultural lands owned by the Grantors" has been deleted. Dr. Cutler moved to approve the easement as amended, Mr. Seilheimer seconded, and the easement was approved as amended with Ms. Imhoff abstaining.

Laura Thurman presented the Irvine property (#64) of 225 acres in Rockbridge County. She added that the 225 acre property is adjacent to the Jefferson National Forest. The two ponds are protected by 50 foot no earth disturbance buffers. Mr. Seilheimer moved to approve the easement with the amended forestry and buildings and structures language, Dr. Cutler seconded, and the easement was approved as amended with Ms. Imhoff abstaining.

Mr. Allen returned the meeting to Ms. Imhoff. Neal Kilgore presented the Kinsale Farms, LLC property (#65) of 257 acres in Bland County. The property is adjacent to the Jefferson National Forest and visible from the Appalachian Trail. The easement provides a 35 foot riparian buffer on Big Walker Creek, a tributary of the New River. The landowners are requesting a four-hole personal golf course, a 30,000 square foot indoor riding ring, and 10,000 square feet of equestrian support facilities. Staff recommends approval with no-build zones and clustering to protect the conservation values. Mr. Kilgore also said that language would be added to protect a significant cave on the property. Mr. Seilheimer moved to approve the easement with VOF approval for siting of the riding ring, language to protect existing cave, and the two cabins accessible from SR 52 not be visible. Dr. Cutler seconded and the easement was approved unanimously as amended.

Laura Thurman presented the Kirkham property (#66) of 228.67 acres in Rockbridge County. She reported that the 300 foot set back from the road was being deleted from the easement as it does not apply to this property. The easement provides a 50 foot riparian buffer for the unnamed spring and intermittent spring branch on the property. Dr. Cutler moved to approve the easement as amended, Mr. Seilheimer seconded, and the motion passed unanimously.

Sherry Buttrick presented the Kluge property (#67) of 216.69 acres in Albemarle County. This property is adjacent to other VOF easements. The easement provides a 400 foot building set back to protect the view shed of the driving public on SR 627. The easement also prohibits division and allows only one single family dwelling. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Sherry Buttrick presented the Lennox, LLC property (#68) of 76.99 acres in Albemarle County. The property is adjacent to two VOF easements, provides no build setbacks from Routes 712 and 713, no division, and 25 foot riparian buffers on the intermittent stream. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Leslie Grayson presented the Levy property (#69) of 599.68 acres in Culpeper County. She explained that the owner has 115 acres currently enrolled in the CREP program with DCR. The easement provides for 50 foot riparian buffers on the Hazel River and Devil's Run, and a 200 foot building setback from the Hazel River. VOF has site approval on any new dwellings. Dr. Cutler moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Ms. Imhoff called for consideration of two policy issues. She moved that the Board table the Code of Ethics so more work could be accomplished, Mr. Seilheimer seconded, and the motion passed unanimously.

Ms. Imhoff then asked for a discussion of the revised easement template. She asked Mr. Fisher to brief the Board on the progress made on the revised template. He reported that as items have been added to the template over the years, it had become more and more unwieldy and that recent revisions in tax law also warrant review. Bruce Stewart reorganized the template and sent it to staff for comments. Staff met at several meetings, made recommendations and edits (version in Board package), and met with interested attorneys for their comments, as well as requesting review and comment from attorneys unable to attend. Staff will have another week to make further comments and then it will be placed on the website for comments. Staff will then bring a final version for Board approval during the November Board meeting.

Ms. Imhoff asked Bob Lee to update the Board on the FY2008 budget process. VOF's budget will be delivered to the Secretary of Natural Resources by Friday, September 29<sup>th</sup>. The Secretary will prioritize and present his budget to the Governor and the Governor will, in turn, present his budget to the General Assembly in December. The staff has identified additional staff positions that will be needed to help the Governor reach his 400,000 acre land conservation goal. Ms. Imhoff urged staff to consider hiring enough people to handle the back log and future needs to meet the Governor's goal. Dr. Cutler also asked staff to think realistically about the Governor's goal due to the unique opportunity it presents.

Ms. Imhoff asked for the Board to consider requiring less time to review the November agenda items in order to give staff more time to work on easement presentations. She asked if the Trustees would agree to receive the Board books on the Friday preceding the meeting (November 10<sup>th</sup>). Bob Lee wanted to make sure it was understood that the time should be used for internal staff review and does not change the deadline for attorneys.

Ms. Imhoff called a recess for lunch. During lunch, Rex Linville of PEC passed out informational materials regarding the power line proposal and Sarah Richardson distributed the table of contents for the DCR Land Preservation Tax Credits Review Criteria.

Ms. Imhoff announced that Sherry Buttrick had not be able to contact the landowner of agenda item #1 (the Allards) but had a compromise solution to propose. Ms. Buttrick recommended the Board consider the secondary dwelling be built within 200 feet of the main house and no larger than 1,200 square feet. Dr. Cutler moved to approve the easement with the recommended changes, Mr. Abel Smith seconded, and the easement was approved unanimously as amended.

Faye Cooper presented the Long Pond Farm, LLC property (#71) of 187.48 acres in Clarke County. She explained that the property is located on a Virginia Scenic Byway, SR 608, and the easement protects the public view with a 300 foot building setback from the road. The easement will also help protect the water quality of the Shenandoah River with 50 foot riparian buffers on Craig Run and the large pond on the property. The spring will also be protected from livestock degradation. Mr. Seilheimer moved for approval, Mr. Abel Smith seconded, and the motion passed unanimously.



Leslie Grayson presented the Luke property (#72), Etlan Farm, of 190 acres in Madison County. The property is located on Virginia Scenic Byway SR 231 in the view shed of Old Rag Mountain and Shenandoah National Park. The easement provides a 600 foot building setback from SR 231, no build zone above the 900 foot contour line, and 35 foot riparian buffer on an unnamed tributary to Popham Run. Mr. Seilheimer moved approval as presented, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented the Maple Lane Farm, LLC property (#73) of 360.77 acres in Rockingham County. This is a working farm containing prime agricultural soils, a half of a mile frontage on the North Fork of the Shenandoah River, and frontage on SR 655. The easement protects the view of the driving public with a 200 foot building setback on SR 655 and the water quality of the Shenandoah River with a 30 foot riparian buffer and 300 foot building setback on the North Fork tributary. There is no division allowed. Dr. Cutler moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Estie Thomas presented the Marshall property (#74) of 50 acres in Albemarle County. She explained that the easement will help protect the water quality of the Rivanna River with a 120 foot forested buffer on Mechums River and 100 foot forested buffer on the unnamed stream on the property. The easement allows no division, one existing single family dwelling, and one secondary dwelling to be located within 250 feet of the existing dwelling. Mr. Seilheimer moved to approve as presented, Mr. Allen seconded, and the motion passed unanimously.

Estie Thomas presented the McKenna property (#75) of 234.41 acres in Lancaster County. The easements allows no division, protects water quality with a 100 foot riparian buffer on the Great Mill Swamp, one existing single family dwelling, and two secondary dwellings. Mr. Walker moved for approval as presented, Dr. Cutler seconded, and the motion passed unanimously.

Faye Cooper presented the Meadow Lawn Farm, LLC property (#76) of 1,518.8 acres in Rockbridge County. She distributed a map showing the proposed no build area in the center of the property on the Calfpasture River. She explained that the landowner is requesting twelve (12) parcels, two will be restricted to 30 acres and the landowner has defined a no build zone on the east side of SR 601. The easement also requires earth tone colors for new dwellings and protection for five caves on the property. Ms. Imhoff asked about the retained subsurface mining rights. Ms. Cooper said that the language for VOF approval of any mining activity would be added to the easement. Mr. Seilheimer moved for approval of the easement with VOF approval of mining activity and Mr. Abel Smith seconded. Ms. Imhoff recommended the landowner get two quotes on the appraisal, one with the easement meeting VOF guidelines and one as presented. Ms. Cooper has already suggested that to the landowner. Ms. Imhoff was also concerned that the dwellings had no size limitations. Ms. Cooper replied that she had tried to include size limitations and the landowner would not agree. Ms. Imhoff called for the vote and the easement was approved unanimously as amended.

Estie Thomas presented Mountain View Farm (#78) of 171.5 acres in Orange County. She explained that the farm had been in the Armentrout family since 1840. The easement provides for a 100 foot forested riparian buffer on the unnamed streams on the property. The easement

allows for one division into two parcels and VOF approval of the sites for any new dwelling to protect the open space values of the property. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Dr. Cutler had to leave the meeting at this point.

Sherry Buttrick presented the Mountjoy property (#79) of 166.8 acres in Orange County. The easement provides for a 35 foot riparian buffer in the intermittent tributary of Rocky Branch and protection of the scenic value by clustering of dwellings. Mr. Seilheimer moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Ms. Imhoff announced that the Paschalls had requested that their easement be removed from the agenda due to incomplete paperwork.

Neal Kilgore presented the Phipps property (#81) of 55.16 acres in Washington County. He explained that this property borders the City of Abingdon. The property provides open space for a quickly developing area. The easement allows no division and one primary single family dwelling. The owner retains the right to build a picnic shelter to be no larger than 600 square feet. Mr. Walker moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Sherry Buttrick presented the Powers property (#82) of 123.8 acres in Amherst County. The easement provides for one division with one parcel to be 4 acres, a 35 foot riparian buffer on Indian Creek, and a no build zone above the 1,600 foot contour line. Mr. Allen moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Laura Thurman presented the Rader property (#83) of approximately 278 acres in Botetourt County. The easement will protect the view of the driving public with 300 foot setbacks on State Routes 640 and 711 and VOF site approval zone above the 1,400 foot contour line. Water quality will be protected with a 100 foot riparian buffer on Mill Creek and 200 foot no build zone around all cave openings. The cave opening known as "Cave Spring" will also be protected from degradation by livestock. The landowner wishes to reserve the right to build a MAST-type cell tower. Ms. Imhoff questioned how the view from the Appalachian Trail is protected with the landowner building a cabin above the 1,400 contour line. Ms. Thurman said that VOF has siting review over anything built above the 1,400 contour line. Ms. Imhoff asked if that review could include how large an area can be cleared for new construction which would better protect the view. Ms. Thurman said that the landowner would more than likely agree with the clearing review. Mr. Walker moved to approve with the addition of VOF approval of cleared areas for new construction, Mr. Seilheimer seconded, and the easement was approved unanimously as amended.

Bill Wasserman presented the Mocomp, Inc. property (#77) of 4,366.5 acres in Burkes Garden, Tazewell County, the largest proposed easement in VOF history. The property borders the Beartown Wilderness Area and two Virginia Scenic Byways, is located in a Rural Historic District, and visible from the Appalachian Trail. The property contains numerous karst areas and

is home to several federally endangered species. The easement recognized the cave management agreement between Mocomp, Inc. and The Nature Conservancy, 36.6 acres enrolled in CREP, and prohibits timbering above the 4,200 foot contour line. Mr. Wasserman said that the easement would be amended with the current boundary line adjustment language. Ms. Imhoff recognized Mr. Bill Moore, Mr. John Moore, and Mrs. Alice Malcolm, the property owners, and thanked them for attending and presenting a stunning landscape for protection. Mr. Seilheimer added that he didn't think he had ever seen anything to rival Burkes Garden and agreed that it was such a special place and a wonderful conservation opportunity. Ms. Imhoff moved to approve the easement as presented, Mr. Seilheimer seconded, and the motion passed unanimously.

Sherry Buttrick presented the Little Byrd Creek, LLC property (#70) of 297.5 acres in Fluvanna County. The easement provides protection of the areas water quality with 35 foot forested riparian buffer on Little Byrd Creek and the view for the driving public with a 300 foot set back on Rout 610. The property may be divided into three parcels with a single family dwelling and secondary for each. Mr. Allen moved to approve the easement as presented, Mr. Abel Smith seconded, and the motion passed unanimously.

Estie Thomas presented the Redbud Ridge, LLC property (#84) of 556.49 acres in Albemarle County. The property contains long frontage on two public roads protects the view of the driving public and will contribute to water quality with a 50 foot forested riparian buffer on Rockhouse Branch, a tributary of the James River. The owner retains the right to convert 100 acres from woodland to pasture for livestock employing best management practices for soil erosion and sedimentation. Mr. Seilheimer moved to approve the easement as presented, Mr. Allen seconded, and the motion passed unanimously.

Laura Thurman presented the Secker property (#85) of 97.76 acres in Rockbridge County. This easement contributes protection of the scenic view for the driving public with a 2,000 foot setback from Rout 679. The easement allows no division and only one single family dwelling with a cumulative limit of 5,000 square feet for farm buildings. Ms. Thurman said that the forestry language would be amended to approval of Grantee. Mr. Seilheimer moved to approve the easement with the change in the forestry language, Mr. Walker seconded, and the easement was approved unanimously as amended.

Faye Cooper presented the Ray Showalter property (#86) of 117.59 acres in Rockingham County. This property is a working farm and the owner reserves the right to build a poultry house within a defined building envelope. The easement provides water quality protection with a 100 foot riparian buffer on Dry River which will also be protected from degradation by livestock. There is no division with one single family dwelling and one secondary dwelling. Ms. Cooper said the forestry language would be amended to approval of Grantee. Ms. Imhoff asked if VOF should require screening of the poultry houses and expressed concerns over two poultry houses on 100 acres. Ms. Cooper said that screening language is included in the easement as presented. She also said that the language allowing a structure "for processing the products produced on the Property or other agricultural lands owned by the Grantor" will be deleted. Mr. Abel Smith moved to approve the easement with the change in the forestry and

processing of products language, Mr. Walker seconded, and the easement was approved as amended.

Estie Thomas presented the Sklar property (#87) of 664 acres in Spotsylvania and Caroline Counties. The easement will protect the scenic, natural, and historic values of the property. The easement allows no division, existing historic dwelling, existing secondary, and existing farm structures only. The easement will help protect water quality with a 100 foot forested or naturally vegetative riparian buffer along the Po River, a tributary of the Mattaponi River, and protect the dwarf wedge mussel, a federally endangered species. Mr. Seilheimer moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Estie Thomas presented the Slater property of 416.86 acres in Westmoreland County. The easement allows for one division into two parcels, an existing single family dwelling that may be enlarged to 5,000 square feet, one secondary dwelling not to exceed 2,500 square feet, and farm buildings with VOF approval of any over 4,500 square feet. The easement will help protect the water quality of the area with 100 foot riparian buffers on Jackson Creek and protect the view for the driving public on Route 606 and Cople Highway. Mr. Allen moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Laura Thurman presented the Spivey property (#89) of 192.4 acres in Rockbridge County. The easement provides for no division and three dwellings not to exceed 2,000 square feet each. The easement will contribute to the water quality of the South River with 50 foot riparian buffers on the two streams that run through the property. The view for the driving public on the Blue Ridge Parkway will be protected with restrictions on design and site screening of permitted dwellings and a designated building zone. Mr. Allen moved to approve the easement as presented, Mr. Walker seconded, and the motion passed unanimously.

Faye Cooper presented The Pinnacle Fund, LLC property (#90) of 149.58 acres in Shenandoah County. The easement allows no division with an existing single family dwelling which may be enlarged to no more than 3,200 square feet, two secondary dwellings for each child (if the daughter does not build, one secondary will be extinguished), and one farm building apartment not to exceed 1,300 square feet for a farm manager. The view of the driving public will be protected by a 300 foot building setback from SR 710. The easement will help protect the rural, open space, and agrarian heritage of Shenandoah County. Mr. Walker moved to approve the easement as presented, Mr. Allen seconded, and the motion passed with Mr. Abel Smith abstaining.

Faye Cooper presented the Tipler property (#91) of 141 acres in Augusta County (revised from the 151 acres originally presented). The landowner offers the deletion of the requested secondary dwelling and an 8,000 total square feet for farm buildings. The easement would contribute to the water quality of the Chesapeake Bay with a 30 foot naturally vegetated riparian buffer on the South Creek. Mr. Seilheimer moved to approve the easement as amended to 141 acres and no secondary dwelling, Mr. Allen seconded, and the easement was approved unanimously as amended.

Tamara Vance presented the Watson Family Trusts property (#92) of 224.2 acres in Craig County. The easement will help protect water quality with a naturally forested and vegetated riparian buffer and protected from livestock for 50 feet on Craig Creek which is home to two rare fish species. The property contains two existing dwellings and the landowner wants two additional dwellings. The landowner also requests 40,000 square feet cumulative total for farm buildings in anticipation of a future nursery business. Ms. Imhoff asked how the scenic resources would be protected with the number of requested buildings. Mr. Vance said that she would ask the landowner to add limits on the clearing of forests for any new buildings if visible from the road. Ms. Imhoff asked how the vegetated riparian buffer will be monitored. After discussion, Ms. Vance agreed to amend the Riparian Buffer language by deleting “*and minimal harvest of trees*” and adding, “There shall be no *cutting of trees*, plowing, cultivation, or similar earth disturbing activity.” Mr. Walker moved to approve the easement with the addition of “any new dwelling will clear a maximum of 1 acre for the site” and revised Riparian Buffer language. Mr. Allen seconded and the easement was approved unanimously as amended.

Ms. Imhoff asked if there was any new or old business that needed to be considered by the Board. There was none and Mr. Allen moved to adjourn and the motion passed unanimously.

Respectfully submitted,

Patricia A. Cleary  
Executive Assistant



RESOLUTION  
PROPOSED AMENDED FORESTRY LANGUAGE  
FOR SAMPLE DEED OF EASEMENT

WHEREAS, the Board of Trustees desires to amend the standard forestry provision in its sample deed of easement; and

WHEREAS, the Board desires to shift the emphasis of that provision from commercial timber harvesting to the broader spectrum of conservation values being protected by the deed of easement; and

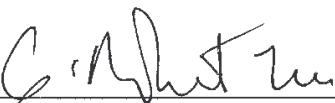
WHEREAS, the amended language affords no less rigorous protection of natural resources than the present forestry provision while continuing to make land available for timbering uses which are compatible with the purposes of the Open-Space Land Act as is required by Section 10.1-1703 of the Code of Virginia, the Open-Space Land Act; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees this twentieth day of September 2006, THAT the Board of Trustees adopts the following language as its standard forestry provision:

A Forest Stewardship Management Plan approved by the Grantee, the primary purposes of which shall be to maintain the health and biological diversity of the forest, as well as (select those that are appropriate) to improve wildlife habitat, maintain a scenic forest, protect uncommon biological communities or natural areas, conserve soil and water, preserve historic and cultural resources, or other (specify objective), shall be the guiding document for all forest management activities. Best Management Practices, as defined by the Virginia Department of Forestry, shall be used to control erosion and protect water quality when a forest management or land clearing activity is undertaken. A Pre-Harvest Plan consistent with the Forest Stewardship Management Plan shall be submitted to the Grantee at least 30 days prior to beginning any timber harvesting.

Non commercial, de minimus harvest of trees for firewood or other domestic uses, removal of dead, diseased, or dying trees, or those that pose an imminent safety hazard to human health or safety, removal of invasive species (as defined in the Virginia Department of Conservation and Recreation's publication: "Invasive Alien Plant Species of Virginia"), and the removal of trees for uses permitted under the provisions of this conservation easement, shall be allowed, and shall not be subject to a Forest Stewardship Management or Pre-Harvest Plan.

ADOPTED by a vote of 7 in favor and 0 against.

  
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ATTEST:

G. Robert Lee, Executive Director

RESOLUTION

A RESOLUTION OF THE VIRGINIA OUTDOORS FOUNDATION BOARD OF TRUSTEES  
EXPRESSING INTENT TO PROTECT THE CONSERVATION VALUES AND PURPOSES  
OF OPEN-SPACE EASEMENTS

WHEREAS, the Virginia Outdoors Foundation is a “body politic” of the Commonwealth of Virginia established by Act of the General Assembly to “...promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth”; and

WHEREAS, Dominion Virginia Power (Dominion) and other utility cooperators have proposed to build a five-hundred kilovolt electric transmission line connecting the Mt. Storm power station in West Virginia with the Loudoun County substation in Northern Virginia; and

WHEREAS, Dominion has identified a Study Area located in parts of northern Virginia for the purpose of studying possible routes for the proposed transmission line; and

WHEREAS, the Virginia Outdoors Foundation holds open-space easements on over 70,000 acres of land located within the Study Area; and

WHEREAS, in addition to the aforesaid open-space easements in the Dominion Study Area there are numerous other documented public conservation values including historic sites (including Virginia Landmarks Register and National Register of Historic Places sites and State Designated Rural Historic Districts), the John S. Mosby Heritage Area, and Civil War battlefields; State designated scenic rivers and scenic byways; state and federal parks and recreation areas (including the Appalachian National Scenic Trail, G. Richard Thompson Wildlife Management Area and Sky Meadows State Park); sites evidencing important designations by the Virginia Division of Natural Heritage; and many other areas of profound cultural and natural heritage importance; and

WHEREAS, the open-space easements held by Virginia Outdoors Foundation are perpetual in nature; and

WHEREAS, the Virginia Outdoors Foundation has designated the land subject to the easements it holds as open-space land pursuant to the Code of Virginia, § 10.1-1701; and

WHEREAS, all open-space or conservation easements held by the Virginia Outdoors Foundation represent a perpetual trust for public benefit; and

WHEREAS, the Code of Virginia, § 10.1-1704 (A), provides that: “No open-space land, the title to or interest or right in which has been acquired under this chapter and which has been designated as open-space land under the authority of this chapter, shall be converted or diverted from open-space land use unless (i) the conversion or diversion is determined by the public body to be (a) essential to the orderly development and growth of the locality and (b) in accordance

with the official comprehensive plan for the locality in effect at the time of conversion or diversion and (ii) there is substituted other real property which is (a) of at least equal fair market value, (b) of greater value as permanent open-space land than the land converted or diverted and (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land converted or diverted. The public body shall assure that the property substituted will be subject to the provisions of this chapter"; and


WHEREAS, the construction of an electric transmission line is not permitted by the terms of the open-space easements held by Virginia Outdoors Foundation and would therefore amount to a conversion or diversion of open-space land; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this twentieth day of September 2006, That the Virginia Outdoors Foundation intends to enforce the terms of its open-space easements and ensure that none of its open-space land is converted or diverted from open-space land use except in conformance with pertinent provisions of the Code of Virginia, § 10.1-1704; and, be it

RESOLVED FURTHER, That Dominion Virginia Power be, and is hereby, exhorted, as a corporate citizen of the Commonwealth of Virginia, to carefully consider all alternatives for the current and future proposed transmission lines so as to protect the integrity of the conservation values and purposes that the Virginia Outdoors Foundation holds in trust for present and future generations; and be it,

RESOLVED FINALLY, That the Honorable Timothy M. Kaine, Governor of Virginia, the Honorable Robert F. McDonnell, Virginia Attorney General, and the Honorable L. Preston Bryant, Virginia Secretary of Natural Resources, be, and are hereby, respectfully requested to join with the Board of Trustees of the Virginia Outdoors Foundation to protect the above noted open-space and conservation values and purposes from avoidable encroachment and degradation.

ADOPTED by a vote of 7 in favor and 0 against.



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ATTEST:

G. Robert Lee, Executive Director

**A RESOLUTION TO APPROVE SPENDING ALLOCATIONS FOR THE  
STEWARDSHIP DEFENSE FUND**

WHEREAS, the Stewardship Defense Fund is a dedicated fund for VOF stewardship program enhancement and future legal resource needs, and

WHEREAS, The Stewardship Defense Fund within the VOF 07 fiscal budget is currently allocated at \$850,000, the following guidance is developed and adopted to provide recommendations on spending priorities to the VOF Board of Trustees and the VOF Management Team; and

WHEREAS, specific needs identified by the stewardship program include staff training, equipment needs, additional staff resources, contracting for monitoring on the Eastern Shore of Virginia, mediation costs, and the maintenance of a legal defense fund.

WHEREAS, The Stewardship Director in consultation with the VOF Executive Director and the Senior Management Team, has developed priorities for allocation of the Stewardship Defense Fund; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this twentieth day of September 2006, That the VOF Stewardship Defense Fund be, and is hereby, dedicated as follows:

<b>Legal Defense Fund (including Mediation)</b>	<b>\$500,000</b>
<b>Staff Salary/Wage</b>	<b>\$200,000</b>
<b>Contractual Monitoring (ex. ES Soil and Water District)</b>	<b>\$70,000</b>
<b>Stewardship Equipment (digital cameral, GIS and GPS, computer, tape measures, etc.</b>	<b>\$50,000</b>
<b>Staff Training (Wilderness CPR/safety, Stewardship, GIS)</b>	<b>\$30,000</b>

ADOPTED by a vote of 7 in favor and 0 against.



ATTEST:

G. Robert Lee, Executive Director

**MEMORANDUM REGARDING BULL RUN MOUNTAINS CABINS**

**To: VOF Board of Trustees**

**Date: August 22, 2006**

**From: Leslie H. Grayson**

**REVISED BUDGET FOR BULL RUN CABINS MAINTENANCE**

**Catlett's Branch house**

- Roof repair
  - Siding replacement north side
  - Window trim, soffitt and fascia repair
  - Caulk skylights
- Estimate: \$3,000 - \$5,000 including materials

**Jackson Hollow house**

- Replace two windows
- Estimate: \$1,000

**Creel House**

- Replace missing cedar shingles on roof
  - Window and door sill repairs
  - Cap and seal chimneys
- Estimate: \$1,500 including materials

**Robinson House**

- Siding repair
- Estimate: \$500

**TOTAL revised budget: \$8,000 max.**

**Background materials related to the Bull Run Mountains history, ecological significance and State Natural Area designation are attached for reference. Photos of the cabins will be available at the meeting.**



VIRGINIA OUTDOORS FOUNDATION  
RESOLUTION

A RESOLUTION TO APPROVE TRANSFER OF THE NEW RIVER TRAIL  
CONSERVATION FUND TO THE NEW RIVER LAND TRUST

WHEREAS, the NEW RIVER TRAIL CONSERVATION FUND, (the FUND) was created in September 2002 by a unanimous vote of the Trustees of Virginia Outdoors Foundation (VOF) as a cooperative project with The New River Land Trust, the Virginia Department of Forestry, and the Virginia Department of Conservation and Recreation, and

WHEREAS, the NEW RIVER TRAIL CONSERVATION FUND monies are currently maintained and managed by the Virginia Outdoors Foundation; and

WHEREAS, the FUND now contains \$10,893.50; and

WHEREAS, the Virginia Outdoors Foundation is re-organizing its financial and administrative functions to improve services and management; and

WHEREAS, the New River Land Trust has agreed to assume management of the Fund in accordance with the goals of the original project and has submitted a letter to that affect; now, therefore, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees, this 21st day of September 2006, That the New River Trail Conservation Fund be, and is hereby, transferred in its entirety and including any future contributions received to the care of the New River Land Trust.

ADOPTED by a vote of 7 in favor and 0 against.

  
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ATTEST:

G. Robert Lee, Executive Director